

MONTANA LEGISLATIVE HISTORY

Chapter 228 19 85

Bill H 302 S _____

Original bill & history ☒ c

H. Committee on State Admin

Hearing Date(s) 1/31 _____ c

_____ c

_____ c

_____ c

Date Out 4/31 _____ c

S. Committee on State Admin

Hearing Date(s) 3/13 _____ c

_____ c

_____ c

_____ c

Did this bill originate in an interim committee? ____ Yes ____ No

Committee _____

Report _____

HOUSE FINAL STATUS

3/20 SIGNED BY SPEAKER
 3/21 SIGNED BY PRESIDENT
 3/21 TRANSMITTED TO GOVERNOR
 3/22 SIGNED BY GOVERNOR
 CHAPTER NUMBER 152 EFFECTIVE DATE: 10/01/85

HB 300 INTRODUCED BY NATHE, BRADLEY, ET AL.
 EXTEND TIME FOR PROSECUTION OF SEX OFFENSES AGAINST CHILDREN

1/21 INTRODUCED
 1/21 REFERRED TO JUDICIARY
 2/11 HEARING
 2/11 COMMITTEE REPORT-BILL PASS AS AMENDED 97 0
 2/12 2ND READING PASS 98 1
 2/13 3RD READING PASS

TRANSMITTED TO SENATE
 2/14 REFERRED TO JUDICIARY
 3/11 HEARING
 3/13 COMMITTEE REPORT-BILL CONCURRED 48 0
 3/15 2ND READING CONCURRED 47 2
 3/18 3RD READING CONCURRED

RETURNED TO HOUSE
 3/23 SIGNED BY SPEAKER
 3/23 SIGNED BY PRESIDENT
 3/25 TRANSMITTED TO GOVERNOR
 3/29 SIGNED BY GOVERNOR
 CHAPTER NUMBER 227 EFFECTIVE DATE: 10/01/85

HB 301 INTRODUCED BY BRADLEY, GOULD, ET AL.
 REQUIRE REGULATION AND LICENSING OF PRESCHOOL PROGRAMS

1/21 INTRODUCED
 1/21 REFERRED TO EDUCATION & CULTURAL RESOURCES
 1/22 FISCAL NOTE REQUESTED
 1/22 REREFERRED TO HUMAN SERVICES & AGING
 1/28 FISCAL NOTE RECEIVED
 2/08 HEARING
 2/16 FISCAL NOTE REQUESTED
 2/18 COMMITTEE REPORT-NO RECOMMENDATION
 2/23 FISCAL NOTE RECEIVED
 2/23 2ND READING INDEFINITELY POSTPONED

HB 302 INTRODUCED BY J. BROWN
 ADOPTS INTERSTATE MUTUAL AID COMPACT
 BY REQUEST OF DEPARTMENT OF MILITARY AFFAIRS

1/21 INTRODUCED
 1/21 REFERRED TO STATE ADMINISTRATION
 1/31 HEARING
 1/31 COMMITTEE REPORT-BILL PASS AS AMENDED 94 0
 1/31 STATEMENT OF INTENT ATTACHED 99 0
 2/02 2ND READING PASS
 2/04 3RD READING PASS

HOUSE FINAL STATUS

TRANSMITTED TO SENATE
 2/07 REFERRED TO STATE ADMINISTRATION
 3/13 HEARING
 3/13 COMMITTEE REPORT-BILL CONCURRED
 3/15 2ND READING CONCURRED 48 0
 3/18 3RD READING CONCURRED 49 0

RETURNED TO HOUSE
 3/23 SIGNED BY SPEAKER
 3/23 SIGNED BY PRESIDENT
 3/25 TRANSMITTED TO GOVERNOR
 3/29 SIGNED BY GOVERNOR
 CHAPTER NUMBER 228 EFFECTIVE DATE: 10/01/85

HB 303 INTRODUCED BY RAMIREZ, REHBERG
 ELIMINATE NEED TRUST OFFICE LOCATE SAME BUILDING AS BANK, TRUST COMPANY MAIN OFFICE

1/21 INTRODUCED
 1/21 REFERRED TO BUSINESS & LABOR
 1/30 HEARING
 1/31 ADVERSE COMMITTEE REPORT
 2/01 BILL KILLED 96 0

HB 304 INTRODUCED BY J. BROWN, MILES, ET AL.
 SPOUSAL IMMUNITY - CHANGE TO ELIMINATE PRESENT DOCTRINE

1/21 INTRODUCED
 1/21 REFERRED TO JUDICIARY
 2/04 HEARING
 2/13 ADVERSE COMMITTEE REPORT
 2/14 BILL KILLED 73 23

HB 305 INTRODUCED BY SCHYE, D. BROWN
 TO REIMBURSE A PARENT FOR 2 TRIPS A DAY TO BRING PUPILS TO SCHOOL OR A BUS

1/21 INTRODUCED
 1/21 REFERRED TO EDUCATION & CULTURAL RESOURCES
 1/22 FISCAL NOTE REQUESTED
 1/28 HEARING
 1/28 FISCAL NOTE RECEIVED
 2/09 ADVERSE COMMITTEE REPORT
 2/11 BILL KILLED 92 3

HB 306 INTRODUCED BY MENAHAN
 REVISION OF BOARD OF ATHLETICS LAWS
 BY REQUEST OF BOARD OF ATHLETICS

1/21 INTRODUCED
 1/21 REFERRED TO BUSINESS & LABOR
 2/04 HEARING
 2/05 COMMITTEE REPORT-BILL DO PASS
 2/06 2ND READING PASS 90 5
 2/07 3RD READING PASS 92 4

TRANSMITTED TO SENATE
 2/08 REFERRED TO LABOR & EMPLOYMENT RELATIONS

STATUS SHEET

Forty-Ninth LEGISLATIVE SESSION

COMMITTEE ON State Administration

BILL NO.	ENTERED COMM.	DATE CONSIDERED	OUT OF COMM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMEND. DATE	BE CON- CURRED IN DATE	BE CONC. IN AS AMENDED DATE	BE NOT CON- CURRED IN DATE
HB 270	1/19	1/30	1/30	1/30					
274	1/19	2/13	2/13			2/13			
277	1/19	REREFERRED TO LOCAL GOVERNMENT							
281	1/19	1/30 & 1/31	1/30 & 1/31		1/30 & 1/31				
283	1/19	2/1	2/1	2/1					
288	1/21	1/31 & 2/13	2/13			2/13			
289	1/21	1/31	1/31	1/31					
291	1/21	2/1	2/1	2/1					
292	1/21	2/1	2/1			2/1			
297	1/21	1/31	1/31	1/31					
298	1/21	2/1	2/1	2/1					
302	1/21	1/31	1/31			1/31			
256	1/21	2/8	2/8			2/8			
308	1/22	1/29	TABLED						
327	1/22	2/8	2/8		2/8				
336	1/22	2/4	2/4	2/4					

Use a separate sheet for Senate, House Bills, and Resolutions

HOUSE BILL NO. 302

INTRODUCED BY J. BROWN

BY REQUEST OF THE DEPARTMENT OF MILITARY AFFAIRS

IN THE HOUSE

January 21, 1985	Introduced and referred to Committee on State Administration.
January 31, 1985	Committee recommend bill do pass as amended. Report adopted. Statement of Intent attached.
February 1, 1985	Bill printed and placed on members' desks.
February 2, 1985	Second reading, do pass. Considered correctly engrossed.
February 4, 1985	Third reading, passed. Ayes, 99; Noes, 0. Transmitted to Senate.

IN THE SENATE

February 7, 1985	Introduced and referred to Committee on State Administration.
March 13, 1985	Committee recommend bill be concurrent in. Report adopted.
March 15, 1985	Second reading, concurred in.
March 18, 1985	Third reading, concurred in. Ayes, 49; Noes, 0. Returned to House.

IN THE HOUSE

March 19, 1985

Received from Senate.

Sent to enrolling.

Reported correctly enrolled.

HOUSE BILL NO. 302

INTRODUCED BY J. Brown
BY REQUEST OF THE DEPARTMENT OF MILITARY AFFAIRS

A BILL FOR AN ACT ENTITLED: "AN ACT TO REPEAL THE INTERSTATE CIVIL DEFENSE AND DISASTER COMPACT AND ENACT AN INTERSTATE MUTUAL AID COMPACT TO PROVIDE FOR EXCHANGE BETWEEN STATES OF RESOURCES NEEDED TO RESPOND TO EMERGENCIES AND DISASTERS; AMENDING SECTIONS 10-3-204 AND 10-3-205, MCA; AND REPEALING SECTION 10-3-206, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 10-3-204, MCA, is amended to read:

"10-3-204. Intergovernmental arrangements. (1) This state enacts into law and enters into the interstate ~~civil defense-and-disaster~~ mutual aid compact with all states, as defined therein, which states have enacted or shall hereafter enact the compact in the form substantially contained in ~~10-3-206~~ [section 3].

(2) The governor may enter into the compact with any state that does not border this state if he finds that joint action with the state is desirable in meeting common intergovernmental problems of emergency and disaster planning, prevention, response, and recovery.

(3) Nothing in subsections (1) and (2) may be

construed to limit previous or future entry of this state into the interstate ~~civil-defense-and--disaster~~ mutual aid compact.

(4) All interstate ~~civil-defense-and-disaster~~ mutual aid compacts and other interstate agreements dealing with disaster and emergency services shall be reviewed and made current at intervals not to exceed 4 years.

(5) If a person holds a license, certificate, or other permit issued by any state or political subdivision thereof evidencing the meeting of qualifications for professional, mechanical, or other skills, the person may render aid involving that skill in this state to meet an emergency or disaster and this state shall give due recognition to the license, certificate, or other permit.

(6) When considered of mutual benefit, the governor may, subject to limitations of law, enter into intergovernmental arrangements with neighboring provinces of Canada for the purpose of exchanging disaster and emergency services."

Section 2. Section 10-3-205, MCA, is amended to read:

"10-3-205. Authority to join interstate ~~civil-defense~~ and-disaster mutual aid compact -- supplemental agreements.

(1) The governor of the state of Montana is hereby authorized for and in the name of the state of Montana to join with other states in the interstate ~~civil-defense-and~~

1 ~~disaster mutual aid compact as--developed--by--the--civil~~
 2 ~~defense--office-of-the-national-security-and-resources-board~~
 3 ~~and-the-council-of-state-governments.~~

4 (2) The governor of the state of Montana is hereby
 5 authorized to negotiate and execute such supplemental
 6 agreements as may be necessary and proper to fully carry
 7 into effect the terms and provisions of the interstate civil
 8 ~~defense--and--disaster~~ mutual aid compact as set forth in
 9 10-3-206 [section 3]."

10 NEW SECTION. Section 3. Text of compact. The
 11 interstate mutual aid compact referred to in 10-3-204 and
 12 10-3-205 reads as follows:

13 INTERSTATE MUTUAL AID COMPACT

14 Article I

15 The purpose of this compact is to provide voluntary
 16 assistance among participating states in responding to any
 17 disaster or imminent disaster that overextends the ability
 18 of local and state governments to reduce, counteract, or
 19 remove the danger. Assistance may include but is not limited
 20 to rescue, fire, police, medical, communication, and
 21 transportation services and facilities to cope with problems
 22 which require use of special equipment, trained personnel,
 23 or personnel in large numbers not locally available.

24 Article II

25 Article I, section 10, of the Constitution of the

1 United States permits a state to enter into an agreement or
 2 compact with another state, subject to the consent of
 3 congress. Congress, through enactment of 50 U.S.C. 2281(g)
 4 and 2283 and the executive branch, by issuance of Executive
 5 Orders No. 10186 of December 1, 1950, encourages the states
 6 to enter into emergency, disaster, and civil defense mutual
 7 aid agreements or pacts.

8 Article III

9 It is agreed by participating states that the following
 10 conditions will guide implementation of the compact:

11 (1) Participating states through their designated
 12 officials are authorized to request and receive assistance
 13 from a participating state. Requests will be granted only
 14 if the requesting state is committed to the mitigation of
 15 the emergency and other resources are not immediately
 16 available.

17 (2) Requests for assistance may be verbal or in
 18 writing. If the request is made by other than written
 19 communication, it must be confirmed in writing as soon as
 20 practical after the request. A written request shall provide
 21 an itemization of equipment and operators, types of
 22 expertise, and personnel or other resources needed. Each
 23 request must be signed by an authorized official.

24 (3) Personnel and equipment of the aiding state made
 25 available to the requesting state shall, whenever possible,

1 remain under the control and direction of the aiding state.
 2 The activities of personnel and equipment of the aiding
 3 state must be coordinated by the requesting state.

4 (4) An aiding state has the right to withdraw some or
 5 all of its personnel and equipment whenever the personnel
 6 and equipment are needed by that state. Notice of intention
 7 to withdraw should be communicated to the requesting state
 8 as soon as possible.

9 Article IV

10 (1) The requesting state shall reimburse the aiding
 11 state as soon as possible after the receipt by the
 12 requesting state of an itemized voucher requesting
 13 reimbursement of costs.

14 (2) Any state rendering aid pursuant to this compact
 15 must be reimbursed by the state receiving such aid for any
 16 damage to, loss of, or expense incurred in the operation of
 17 any equipment used in responding to a request for aid, and
 18 for the cost incurred in connection with such requests.

19 (3) Any state rendering aid pursuant to this compact
 20 must be reimbursed by the state receiving such aid for the
 21 cost of compensation and death benefits to injured officers,
 22 agents, or employees and their dependents or representatives
 23 if such officers, agents, or employees sustain injuries or
 24 are killed while rendering aid pursuant to this arrangement
 25 and such payments are made in the same manner and on the

1 same terms as if the injury or death were sustained within
 2 the aiding state.

3 Article V

4 (1) All privileges and immunities from liability,
 5 exemptions from law, ordinances, and rules and all pension,
 6 disability relief, workers' compensation, and other benefits
 7 that apply to the activity of officers, agents, or employees
 8 when performing their respective functions within the
 9 territorial limits of their respective political
 10 subdivisions apply to them to the same extent while engaged
 11 in the performance of any of their functions and duties
 12 extraterritorially under the provisions of this compact.

13 (2) All privileges and immunities from liability,
 14 exemptions from law, ordinances, and rules and workers'
 15 compensation and other benefits that apply to duly enrolled
 16 or registered volunteers when performing their respective
 17 functions at the request of their state and within its
 18 territorial limits apply to the same extent while performing
 19 their functions extraterritorially under the provisions of
 20 this compact. Volunteers may include but are not limited to
 21 physicians, surgeons, nurses, dentists, structural
 22 engineers, and trained search and rescue volunteers.

23 (3) The signatory states, their political
 24 subdivisions, municipal corporations, and other public
 25 agencies shall hold harmless the corresponding entities and

1 personnel thereof from the other state with respect to the
2 acts and omissions of its own agents and employees that
3 occur while providing assistance pursuant to the common
4 plan.

5 (4) Nothing in this arrangement may be construed as
6 repealing or impairing any existing interstate mutual aid
7 agreements.

8 (5) Upon enactment of this compact by two or more
9 states, and annually by each January 1 thereafter, the
10 participating states will exchange with each other the names
11 of officials designated to request and provide services
12 under this arrangement. In accordance with the cooperative
13 nature of this arrangement, it is permissible and desirable
14 for the states to exchange operational procedures to be
15 followed in requesting assistance and reimbursing expenses.

16 (6) This compact becomes effective and is binding upon
17 the states so acting when it has been enacted into law by
18 any two states. Thereafter, this compact becomes effective
19 and binding as to any other state upon similar action by
20 such state.

21 (7) This compact remains binding upon a party state
22 until it enacts a law repealing the compact and providing
23 for the sending of formal written notice of withdrawal from
24 the compact to the appropriate officials of all other party
25 states. An actual withdrawal may not take effect until the

1 30th consecutive day after the notice has been sent. Such
2 withdrawal does not relieve the withdrawing state from its
3 obligations assumed under this compact prior to the
4 effective date of withdrawal.

5 NEW SECTION. Section 4. The department of military
6 affairs may adopt rules necessary to implement the
7 interstate mutual aid compact.

8 NEW SECTION. Section 5. Repealer. Section 10-3-206,
9 MCA, is repealed.

-End-

APPROVED BY COMMITTEE
ON STATE ADMINISTRATION

STATEMENT OF INTENT

HOUSE BILL 302

House State Administration Committee

It is the intent of this bill to allow the governor to enter into interstate mutual aid agreements with other states for the purposes of:

(1) providing state resources such as manpower, equipment, and material; and

(2) coordinating the provision of volunteer resources to assist other states in response and recovery activities relating to earthquakes, floods, and other disasters.

The governor shall enter these agreements and shall provide for their implementation, including the appointment of contact persons within this state and establishment of a contact procedure with participating states.

Although the governor is charged with implementation of this bill, he may delegate authority to the department of military affairs or other appropriate agency for day-to-day administration of the compact.

SECOND READING
HB 302

for further study concerning dates that might conflict.
Rep. Cody moved the ADOPTION OF THE PROPOSED AMENDMENTS,
seconded by Rep. Garcia. Motion CARRIED UNANIMOUSLY.

Rep. O'Connell then moved that HB 288 AS AMENDED, be referred
to the election subcommittee. Motion seconded by Rep. Garcia.
Motion CARRIED UNANIMOUSLY. Chairman Sales told the sub-
committee to also clear up any problem with the school
elections.

DISPOSITION OF HOUSE BILL NO. 289: Rep. Smith moved that HB
289 DO PASS, seconded by Rep. Hayne. Motion CARRIED UNANIMOUSLY.

DISPOSITION OF HOUSE BILL NO. 297: Rep. Phillips moved that
HB 297 DO PASS, seconded by Rep. Moore. Motion CARRIED UNANI-
MUSLY.

DISPOSITION OF HOUSE BILL NO. 302: Rep. O'Connell moved the
ADOPTION OF THE AMENDMENT, seconded by Rep. Smith. The
Motion CARRIED UNANIMOUSLY.

Rep. O'Connell then moved that HB 302 AS AMENDED DO PASS WITH
STATEMENT OF INTENT ATTACHED, seconded by Rep. Harbin. Motion
CARRIED UNANIMOUSLY.

FURTHER CONSIDERATION OF HOUSE BILL NO. 204: HB 204 had been
submitted to a subcommittee for possible drafting of a committee
bill or amendments to HB 204. Rep. Moore, chairman of the sub-
committee, reported that they had reached some conclusions as
to what the appraisers could and could not do. Lois Menzies,
Staff Researcher, read the proposed Committee bill to the
Committee and said that Rep. Pistoria was satisfied with the
bill. This is what he intended and would eliminate the conflict
of interest for Department of Revenue employees.

Rep. Nelson moved ADOPTION OF THE COMMITTEE BILL, seconded by
Rep. Smith. Needing a 3/4 vote of the voting members present,
the Adoption of the Committee Bill carried with a vote of 14-2
with Reps. O'Connell and Campbell voting "no".

DISPOSITION OF HOUSE BILL NO. 204: Lois told the committee
that Rep. Pistoria's bill, HB 204, needed executive action.
Rep. Fritz moved that HB 204 DO NOT PASS, seconded by Rep.
Moore. Motion CARRIED UNANIMOUSLY.

FURTHER CONSIDERATION OF HOUSE BILL NO. 281: Rep. Peterson
stated that if she was in a position to need the assessor or
his designee to make some judgments, she wanted the person she
voted for and who lived in her county to be at the hearing.
Rep. Harbin expressed the same views. Rep. Jenkins asked if
the county assessor and the agent have been at these hearings.
Rep. Phillips said they have been allowed to do so under the
present law and did not feel a bill is needed for this. He said

attorney could tell them it was legal to move the laboratory to Helena when the law says MSU. Mr. Kelly said the law says "may" not "shall" and that is what they relied upon.

In answer to Rep. Jenkins Mr. Kelly explained the process of running samples in the laboratory on the larvae to check for disease. Montana is one of the cleanest bee producing states in the nation as far as disease is concerned and they can consequently demand more for their bees. Cutter bees are used for pollination of alfalfa and can increase the yield per acre from 600 to 2400 pounds. These bees are for pollinating only, not for honey.

There being no further questions, Rep. Compton closed on HB 297.

CONSIDERATION OF HOUSE BILL NO. 302: Rep. Jan Brown, District 46, said that this bill repeals the Interstate Civil Defense and Disaster Compact and enacts in its place an Interstate Mutual Aid Compact. She read her prepared testimony which is attached as Exhibit #2.

PROPOSERS: Jan Henry, Department of Military Affairs, appeared before the Committee in support of HB 302. He said this would revise a law enacted approximately 34 years ago and said it would cost essentially nothing to implement. He said it would save lives and reduce property damage because of quick response from different states. If the bill is not passed there would still be the existing law but it is somewhat archaic and would impede other states helping Montana and Montana helping them.

Dennis Hemmer, Department of State Lands, proposed an amendment on page 1, line 21 deleting "that does not border this state".

There were no further proposers.

OPPOSERS: There were no opposers to the bill.

DISCUSSION OF HOUSE BILL NO. 302: There were no questions from the Committee.

Rep. Brown closed without further comment but did state that the amendment met with her approval.

The Committee then went into executive session.

Rep. O'Connell said that she had talked to Rep. Winslow about the Committee reconsidering HB 281. Chairman Sales said it would be brought up at the end of executive session.

DISPOSITION OF HOUSE BILL NO. 288: Chairman Sales told the Committee that HB 288 should be placed in the election subcommittee

STANDING COMMITTEE REPORT

January 31

19 95

MR. SPEAKER

We, your committee on STATE ADMINISTRATION

having had under consideration HOUSE Bill No. 302

First reading copy (White color)

ADOPTS INTERSTATE MUTUAL AID COMPACT

Respectfully report as follows: That HOUSE Bill No. 302
BE AMENDED AS FOLLOWS:

1) Page 1, line 21.

Strike: "that does not border this state"

AND AS AMENDED

DO PASS

STATEMENT OF INTENT ATTACHED

It is the intent of this bill to allow the governor to enter into interstate mutual aid agreements with other states for the purposes of:

(1) providing state resources such as manpower, equipment, and material; and

(2) coordinating the provision of volunteer resources to assist other states in response and recovery activities relating to earthquakes, floods, and other disasters.

The governor shall enter these agreements and shall provide for their implementation, including the appointment of contact persons within this state and establishment of a contact procedure with participating states.

Although the governor is charged with implementation of this bill, he may delegate authority to the department of military affairs or other appropriate agency for day-to-day administration of the compact.

(Type in committee members' names and have 50 printed to start).

DAILY ROLL CALL

State Administration COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date 1/31/85

NAME	PRESENT	ABSENT	EXCUSED
Chairman Walter Sales	✓		
V-Chairman Helen O'Connell	✓		
Campbell, Bud	✓		
Compton, Duane	✓		
Cody, Dorothy	✓		
Fritz, Harry	✓		
Garcia, Rodney	✓		
Hayne, Harriet	✓		
Harbin, Raymond	✓		
Holliaday, Gay	✓		
Jenkins, Loren	✓		
Kennerly, Roland	✓		
Moore, Janet	✓		
Nelson, Richard	✓		
Peterson, Mary Lou	✓		
Phillips, John	✓		
Pistoria, Paul			
Smith, Clyde	✓		

Ex. #2
1/31/85
HB-302

House Bill 302
House State Administration
January 31, 1985

Mr. Chairman and Members of the Committee:

For the record, I am Jan Brown, House District 46.

House Bill 302 repeals the Interstate Civil Defense and Disaster Compact, and enacts in its place an Interstate Mutual Aid Compact. The purpose of this compact is to provide for exchange between states of resources needed to respond to emergencies and disasters.

The law presently on our books was a model act adopted by most states in the 1950's. In 1974 Congress enacted Public Law 93-288 that changed the focus of the disaster program from nuclear war to natural disasters such as floods and earthquakes.

Because our present law emphasizes nuclear war, several sections are irrelevant and outdated. House Bill 302 replaced "interstate civil defense compacts" with "mutual aid compacts." It eliminates reference to organizations which no longer exist and titles such as "civil defense" that have undergone name changes over the years.

The bill designates the Dept. of Military Affairs as the agency to initiate action on behalf of the Governor to implement this compact and gives them rulemaking authority. I have a statement of intent for the bill.

The State of Washington has adopted this compact, and the State of Idaho is prepared to enter into negotiations with the States of Washington and Montana as soon as possible.

I have staff persons here from the Dept. of Military Affairs to testify in behalf of this bill and to respond to your questions.

DEPARTMENT OF STATE LANDS' PROPOSED AMENDMENTS

TO H.B. 302 (Introduced Bill)

1. Title, line 9
Following: "DISASTERS;"
Insert: "AUTHORIZING GOVERNOR TO ENTER COMPACT WITH ADJACENT STATE;"
2. Page 1, line 21
Following: "state"
Strike: "that does not border this state"
3. Page 1, line 22
Following: "with"
Strike: "the"
Insert: "that"

Ex #3
1/31/85
HB-302

TESTIMONY ON HOUSE BILL 302

DENNIS HEMMER, COMMISSIONER OF STATE LANDS

The Department of State Lands supports House Bill 302. The Department regularly utilizes services of adjoining states during high priority instances. This last summer we utilized resources from both Wyoming and Idaho.

The Department would however suggest one amendment. On page 1, section 2, begins with a statement "The Governor may enter into the compact with any state that does not border this state. . ." The Department has researched the reason that the compact is limited to states not bordering Montana and has been unable to find a reason. The Department would suggest that on line 21 the words "that does not border this state" be deleted.

STATEMENT OF INTENT

H BILL NO. 302

It is the intent of this bill to allow the governor to enter into interstate mutual aid agreements with other states for the purposes of:

(1) providing state resources such as manpower, equipment, and material; and

(2) coordinating the provision of volunteer resources to assist other states in response and recovery activities relating to earthquakes, floods, or other disasters.

The governor shall enter these agreements and shall provide for their implementation, including the appointment of contact persons within this state and establishment of a contact procedure with participating states.

Although the governor is charged with implementation of this bill, he may delegate authority to the department of military affairs or other appropriate agency for day-to-day administration of the compact.

VISITORS' REGISTER

COMMITTEE

BILL NO. 288, 289, 297 & 302DATE 1/31/85

SPONSOR _____

	NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
288	Chap Erdmann	Helena - Mrs. School Bd. Assn.	u/Annot X	
302	JAN HENRY	HELENA MT RIES	X	
289	Wm Shouist	Boulder	X	
289	GN CHRISTENSEN		X	
302	Robert Laumeyer	Boulder	X	
289	TODD KUTCH	MT. RES. OF MONTANA		
288	Margaret S Davis	League of Women Voters		
288	Mike Steph	Clark & Recorder	X	
	Rob. Tholt	W.D. 13. Heavenside	X	
288	Jogann Pires	Fl. Benton - Chouteau Co. Clerk	X	
297	Roy Bryner	MT. Dept of A	X	
	LARRY AKET	SEC OF STATE	289 X	
	KEITH KELLY	DEPT OF AGRICULTURE	297	
289	Ben A Donaldson	Boulder Mt	X	
288	Betty T. Lund	Hamilton - Election Admin. Equall Co.	X	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FOR

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

CHAIRMAN--HAFFEY, JACK
NORMAL SCHEDULE==> SITE: ROOM 331

DAYS: M-TU-W-TH-F

TIME: 10:00 A.M.-12 NOON

SECRETARY--PENNINGTON, GLENDA

--BILL NO--	REFER DATE--	HEARING DATE--	CONSIDERATION DATES--	COMMITTEE ACTION--	REREFERRED TO COMM--	DATE OUT--
HB0283	2/07	3/11		CONCUR AS AMENDED		3/11
O'CONNELL, HELEN G.			INCREASING DRIVER'S LICENSE FEES TO FUND HIGHWAY PATROL RETIREMENT SYSTEM			
HB0288	2/18	3/18		CONCUR		3/18
THOFT, BOB			EARLIER PREPARATION OF ABSENTEE BAL LOTS AND CHANGES IN RELATED DEADLINES			
HB0291	2/07	3/11	3/21	CONCUR		3/21
O'CONNELL, HELEN G.			REVISING PROVISIONS OF THE HIGHWAY PATROLMEN'S RETIREMENT SYSTEM			
HB0292	2/07	3/11	3/21	CONCUR		3/21
O'CONNELL, HELEN G.			MINIMUM MONTHLY RETIREMENT ALLOWANCE FOR HIGHWAY PATROLMEN & BENEFICIARIES			
HB0302	2/07	3/13		CONCUR		3/13
BROWN, JAN			ADOPTS INTERSTATE MUTUAL AID COMPACT			
HB0337	2/08	3/12		CONCUR		3/12
MILES, JOAN			PAYMENT OF BENEFITS UPON DEATH OF PERS MEMBER KILLED BY HIS BENEFICIARY			
HB0351	2/12	3/13		CONCUR		3/13
SCHULTZ, JAMES M.			EXEMPTING EMPLOYMENT OF PERS ACTUARY FROM STATE CONTRACTING REQUIREMENTS			
HB0361	2/08	3/12		CONCUR		3/12
MCCORMICK, LLOYD J. (MAC)			ALLOW PERS MEMBER TO NAME CHARITABLE ORGANIZATION OR TRUST AS BENEFICIARY			
HB0389	2/07	3/13		CONCUR AS AMENDED		3/13
EUDAILY, RALPH S.			PERMITTING CHANGES IN OPTIONAL RETIREMENT ALLOWANCES UNDER PERS			
HB0394	2/13	3/14	3/15	CONCUR		3/15
BROWN, DAVE			COMPENSATION FOR PUBLIC EMPLOYEES ON QUASI-JUDICIAL AND EDUCATION BOARDS			
HB0421	2/25	3/21		CONCUR		3/21
BRANDEWIE, RAY			DEPT. OF COMMERCE USE OF AIR SEARCH VOLUNTEERS			

MINUTES OF THE MEETING
STATE ADMINISTRATION COMMITTEE
MONTANA STATE SENATE

March 13, 1985

The forty-first meeting of the State Administration Committee was called to order by Chairman Jack Haffey in Room 331, Capitol, at 10 a.m. on Wednesday, March 13, 1985.

ROLL CALL: All the members were present with Senator Harding arriving late.

CONSIDERATION OF HOUSE BILL 302: Representative Jan Brown, House District 46, Helena, is the sponsor of this bill entitled, "AN ACT TO REPEAL THE INTERSTATE CIVIL DEFENSE AND DISASTER COMPACT AND ENACT AN INTERSTATE MUTUAL AID COMPACT TO PROVIDE FOR EXCHANGE BETWEEN STATES OF RESOURCES NEEDED TO RESPOND TO EMERGENCIES AND DISASTERS; AMENDING SECTIONS ..., MCA; AND REPEALING SECTION ..., MCA." Representative Brown told the Committee that this bill repeals the civil defense and disaster compact and replaces it with an interstate compact between states. She said the focus has been turned from nuclear war to natural disasters such as earthquakes, floods, etc. She said the state of Washington has adopted this and Idaho will enter into it with us.

PROPOSERS: Jan Henry, Military Affairs, supports this bill. Mr. Henry said that Representative Brown had covered this very well and that it was a simple bill and he would be here to answer any questions.

OPPOSERS: There were no opposers:

COMMITTEE QUESTIONS: Senator Lynch said that they had a person in Butte that was still known as the Civil Defense Director. Mr. Henry said that they have the option of names, but that this has been phased out.

Representative Brown said she was closed. HOUSE BILL 302 is closed.

EXECUTIVE ACTION ON HOUSE BILL 302: Senator Lynch moved that HOUSE BILL 302 be concurred in. Question was called, and the Committee voted unanimously that HOUSE BILL 302 BE CONCURRED IN. (Senator Lynch will carry this bill to the floor of the Senate.)

CONSIDERATION OF HOUSE BILL 351: Representative James Schultz, House District 30, Lewistown, is the sponsor of this bill entitled, "AN ACT EXEMPTING EMPLOYMENT OF AN ACTUARY BY THE PUBLIC RETIREMENT BOARDS FROM LAWS GOVERNING EMPLOYMENT OF CONSULTANTS BY STATE AGENCIES; ~~DEFINING THE MANNER BY WHICH THE PUBLIC EMPLOYEES' RETIREMENT BOARD BOARDS MAY RETAIN AN ACTUARY~~; AMENDING SECTIONS SECTION ... AND, 19-3-305, AND 19-4-203, MCA." Representative

March 13, 1985

Schultz said that the Teachers' Retirement Boards are charged by law with the responsibility to designate an actuary to assist the retirement board with the technical aspects of the operation of the retirement system. The Board, therefore, should be able to establish the criteria they feel is necessary to select an actuary. The laws governing private consultants and subsequent administrative rules and regulations which specify how consultants should be selected seem to conflict with the duties of the Board in this respect. Representative Schultz said that the actuary field is a very specialized profession and the number who offer this type of service is very limited. Representative Schultz said that there would definitely be an advantage to having an actuary close at hand on an "on-call" basis especially during legislature which requires the services of an actuary on an almost immediate basis. Bringing an actuary in from out of state would be quite costly. Representative Schultz said that House Bill 351 would not usurp any powers of the legislature since we have been subject to the budget process and subsequent appropriation by that process. Actuarial costs are looked at very closely. (For more of Representative Schultz's testimony see Exhibit "1" attached hereto and by this reference made a part hereof.)

PROPOSERS: Larry Nachtsheim, Public Employees Retirement System, supports this bill. Mr. Nachtsheim said that in a period of 40 years, the Public Employees' Retirement Board has hired four consulting actuaries. To require the board to go through a bidding process for consulting services every two years simply to continue the contract of the actuary is a waste of approximately one man week and a cost of \$500 to \$1,000. There is also a hidden cost in changing actuaries because of the large volume of records required in complying the actuarial valuations. The current actuary has in his computer files some 40,000 records for each of the last four bienniums. Mr. Nachtsheim went on to tell the Board more about the problems with changing actuaries and that we are lucky to have an actuary in the city of Helena. Mr. Nachtsheim urged the Committee to support this bill. (See Exhibit "2" attached hereto and by this reference made a part hereof.)

Bob Johnson, Teachers' Retirement System, supports this bill. Mr. Johnson said that this was required by law and is an integral part of this business. Mr. Johnson said that the Board had to be satisfied with the act and the price. He said that in 1981 they accepted proposals and had only two. One from out of state at \$47,000 and one from in state that was much less expensive. Mr. Johnson feels that these people belong in the field of highly skilled professionals.

OPPOSERS: There were no opposers.

COMMITTEE QUESTIONS: Senator Farrell asked what an actuary was. Mr. Nachtsheim replied that it was someone who deals with probabilities and possibilities and tells you where you should be 40 years down the road. Senator Lynch asked what kind of degree was needed for this. Mr. Nachtsheim replied that they usually have

STANDING COMMITTEE REPORT

March 13 1985

MR. PRESIDENT

We, your committee on STATE ADMINISTRATION

having had under consideration HOUSE BILL No. 302

third reading copy (blue)
color

(Senator Lynch will carry this)

ADOPTS INTERSTATE MUTUAL AID COMPACT

Respectfully report as follows: That HOUSE BILL No. 302

BE CONCURRED IN

~~XXXXXXXX~~

~~XXXXXXXXXXXX~~

Chairman.

